



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 20, 1995

Mr. Forrest K. Phifer
Norman, Thrall, Angle & Guy, L.L.P.
P.O. Box 350
Rusk, Texas 75785

OR95-1511

Dear Mr. Phifer:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35278.

The City of Rusk (the "city") received a request for a list of the names of the mayor and city council members and their addresses.¹ The requestor also indicated she preferred work or city hall addresses for these officials. The city contends that the requested information is excepted from disclosure under section 552.103(a).

You submitted information that shows the city is engaged in pending litigation concerning franchise fees. To show the applicability of section 552.103(a), a governmental entity must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to the subject of that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. You have not indicated how the names or addresses of city officials is specifically related to the subject of the litigation.

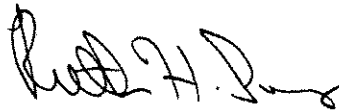
¹The request asked for "a copy of your Mayor and council people along with their address, preferably work or city hall address." Your letter to the requestor states the request is "impermissibly vague and overbroad." This office has stated that when a governmental body receives a broad or unclear request for information it should advise the requestor of the types of information available so that the request can be properly narrowed. Open Records Decision No. 561 (1990) at 8-9. We note that you submitted a list of names and addresses responsive to the request.

Additionally, names of public officials are the type of information that is generally considered public. Gov't Code § 552.022(2).²

However, the home addresses of public officials may be excepted from disclosure, as provided under sections 552.117 and 552.024 of the Government Code. These sections protect from public access the home addresses and telephone numbers of public employees and officials who have chosen to keep this information private. You may withhold the home addresses and home telephone numbers of those officials who, as of the time of the request for the information, had elected to keep the information private. Open Records Decision Nos. 530 (1989) at 5, 482 (1987) at 4, 455 (1987).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 35278

Enclosures: Submitted documents

cc: Ms. Barb Steele
GTE Southwest
3500 N. Beltline Road
Irving, Texas 75062
(w/o enclosures)

²The Seventy-fourth Legislature amended the Open Records Act effective as of September 1, 1995, Act of May 29, 1995, 74th Leg., R.S., ch. 1035, 1995 Tex. Sess. Law Serv. 5127 (codified at Gov't Code Ch. 552). We do not address in this ruling whether these amendments will affect requests for this information that are made on or after September 1, 1995.